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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

GUERRA JARDINES,

Defendant and Appellant.

D060533

(Super. Ct. No. SCD229602)

APPEAL from a judgment of the Superior Court of San Diego County, Ana L. Espana, Judge. Affirmed.

In February 2011, Guerra Jardines entered a guilty plea to one count of criminal threats (Pen. Code,<sup>1</sup> § 422). In March 2011, Jardines was granted probation in this case and probation, which had been revoked in case no. SCD223946, was reinstated.

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise specified.

In July 2011, Jardines's probation was summarily revoked and an evidentiary hearing was scheduled. Following an evidentiary hearing in August 2011, the court revoked probation and sentenced Jardines to prison for a determinate term of five years, eight months. The sentence consisted of a five-year term for case no. SCD 223946 and a consecutive eight months for this case.

Counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *Anders v. California* (1967) 386 U.S. 738 (*Anders*) raising possible, but not arguable issues. We offered Jardines the opportunity to file his own brief on appeal but he has not responded.

#### STATEMENT OF FACTS

In July 2006, Jardines pleaded guilty to one count of domestic violence (§ 273.5, subd. (a)) in case no. SCD199881. The victim, Jamie C. is the same victim in the two ensuing criminal cases in the present appeal. Jardines was sentenced to prison for two years with proceedings suspended pursuant to Welfare and Institutions Code section 3051. He was discharged from parole in January 2010.

On January 15, 2010, Jardines pleaded guilty to a violation of section 273.5, subdivision (a), in case no. SCD223946. He was granted probation subject to a term of custody and other conditions.

In September 2010, Jardines was arrested in the current case for various offenses, including a violation of section 422. Thereafter, his probation in case no. SCD223946 was revoked.

In February 2011, Jardines pleaded guilty to a felony violation of section 422. He was again placed on probation and his probation in case no. SCD223946 was reinstated.

In July 2011, Jardines was again arrested for a probation violation in connection with his continued contact with Jamie C.

At the evidentiary hearing on his probation violation Jardines denied the probation violation and denied ever hitting or threatening Jamie C., even though he had previously pleaded guilty to domestic violence based crimes involving the victim.

The court found Jardines violated the terms of his probation and revoked probation in the current case and in case no. SCD223946.

#### DISCUSSION

As we have previously noted, appellate counsel has filed a brief indicating she is unable to identify any argument for reversal and asks this court to review the record for error as mandated by *Wende, supra*, 25 Cal.3d 436. Pursuant to *Anders, supra*, 386 U.S. 738, the brief identifies possible, but not arguable issues:

1. Whether Jardines was properly found to have violated his probation; and
2. Whether the court abused its discretion in imposing a prison sentence.

We have reviewed the entire record in accordance with *Wende, supra*, 25 Cal.3d 436 and *Anders, supra*, 386 U.S. 738, and have not found any reasonably arguable appellate issues. Competent counsel has represented Jardines on appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

McDONALD, J.

AARON, J.